WP(C) 2215/2007
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. D. Buragohain, learned counsel for the petitioner and Mr. M.R. Pathak, learned S.C., Education Department.

Considering submissions made and having regard to the nature of the grievance raised in the writ petition, I propose to dispose of the writ petition at the motion stage itself. Considering the nature of the order I propose to pass, no notice need be issued to the respondents No. 3.

The petitioner is a Lower Division Assistant of Rangia College in the District of Kamrup. He is aggrieved by the order of suspension passed against him by the college authority which has also been approved by the Director or Higher Education, Assam. Such approval was accorded by order dated 30.04.04.

Referring to the case of one Shri Ramani Rajbanshi serving in same college, it is the case of the petitioner that since said Rajbanshi is involved in the same offence and has been reinstated in service upon revocation of the order of suspension, the petitioner being similarly situated, is also entitled to be reinstated in service. In this connection, learned counsel for the petitioner has referred to the order dated 01.09.06 passed in the writ petition being in W.P.(C) No. 5172/05 filed by said Sri Rajbanshi.

On perusal of the aforesaid order, it appears that said Shri Rajbanshi was involved in Rangia P.S. Case No. 156/04 registered U/s. 468/420/408/409/34 IPC. It is submitted that the petitioner is also involved in the same P.S. case pertaining to the same charge. It is further submitted that in consideration of the order passed on 01.09.06 in W.P.(C) No. 5172/06 filed by said Rajbanshi, he has been reinstated in service.

Needless to say that prolonged suspension of an employee does not serve any purpose. The authority will have to consider as to whether continued suspension of the petitioner is necessary or not. The consideration which was given to the case of Shri Rajbanshi will have to be given to the case of the petitioner, if they are similarly situated.

I dispose of the writ petition directing the respondents to examine the case of the petitioner as to whether he is entitled to similar treatment as that of said Shri Rajbanshi and as to whether he is also entitled to reinstatement in service upon revocation of the order of suspension which was approved by the Director of Higher Education way back in 2004 (30.04.04). It is made clear that in the event of reinstatement of the petitioner in service, same will have no effect or bearing in the departmental proceeding and/or criminal proceeding, if any.

A decision in the matter shall be taken by the college authority with due consultation with the Director of Higher Education, Assam within 15.06.07.

The petitioner may obtain the certified copy of this order and produce the same before the respondent authorities along with a copy of the writ petition for their necessary follow up action.

Writ petition stands disposed of.